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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/510,429	10/06/2004	Jean-Pierre Martiniere	5284-47PUS	8486

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EXAMINER	
KIM, HEE SOO	
ART UNIT	**PAPER NUMBER**
2157	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/510,429	MARTINIERE, JEAN-PIERRE	
	Examiner	Art Unit	
	Hee Soo Kim	2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 October 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-4,7,14-16,19 and 28* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4,7,14-16,19 and 28* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

This office action is responsive to amendment filed on 11/25/07.

Claims 5~6, 8~13, 17~18, 20~27, 29~32 have been cancelled.

Applicant amended claims 1~4, 7, 14~16, 19, and 28; therefore, are presented for examination.

Response to Arguments

Applicant's arguments with respect to claims 1~4, 7, 14~16, 19, and 28 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1~4, 7, and 15 are rejected under 35 U.S.C. 102 (e) as being anticipated by Sampath et al. hereinafter Sampath (U.S 6,892,317).

Regarding Claim 1,

Sampath taught a method of diagnosing an equipment to be inspected, wherein a communications module reads operating data relating to the equipment to be inspected and forwards the operating data to a remote server and the remote server performs a diagnosis based on the forwarded operating data, the method comprising:

determining, at an intermediate server which one from among a plurality of specialized assistance servers each specially configured to perform diagnosis on a different equipment of a predefined collection of equipment is the one server that is appropriate for diagnosing the equipment to be inspected, said intermediate server placing the communications module into communication with the determined one of the plural specialized assistance servers that is specifically configured for diagnosing the equipment to be inspected (Col. 5, Lines 35~60, Col. 6, Lines 58~65, diagnostic (claimed intermediate) server receives status information of monitored electronic system(s), determines an action to be made based on the info. and initiates the routing circuit to route the request to the appropriate service, repair, and/or parts/consumable supplier, or to a repair agent); and

transmitting the operating data relating to the equipment to be inspected from the communications module to the determined one of the plural specialized assistance servers which performs the diagnosis (Col. 6, Lines 58~65).

Regarding Claim 2,
Sampath taught transmitting adjustment orders for repairing the equipment to be inspected from the determined one of the specialized assistance servers remote to the equipment to be inspected via the communications module (Col. 7, Lines 1~8, Table 1).

Regarding Claim 3,
Sampath taught performing a local diagnosis by the communications module (Col. 5, Lines 39~50); and

performing an adjustment, during which the communications module transmits adjustment orders to the equipment to be inspected, when the local diagnosis

determines that the equipment to be inspected is repairable by the communications module (Col. 5, Lines 39~50).

Regarding Claim 4,

Sampath taught when the equipment to be inspected is not repairable by the communications module, an information notification occurs during which the communications module provides a user with one of information to enable the user to repair a malfunction and information to indicate that repair of the malfunction requires intervention of a repair service (Col. 10, Lines 47~ Col. 11, Lines 1~22).

Regarding Claim 7,

Sampath taught there are provided three levels of diagnosis and adjustment or, if adjustment is not possible, of information notification, the levels being configured for sequential implementation by the communications module, by the intermediate server, and by the determined one of the specialized assistance servers, respectively (Col. 5, Lines 39~50, the status information circuit sends status information to the diagnostic display to determine the operation status (diagnosing itself) of the monitored system; Col. 6, Lines 58~65, the diagnostic server determines whether the repair can be done itself in autonomous repair mode, if not, status information is then routed to other repair services (specialized servers) for further diagnosis);

wherein, after performing a diagnosis at level N, another diagnosis is performed at a next higher level N+I when neither of the adjustment or information notification is performed at level N (Col. 5, Lines 39~50, Col. 6, Lines 58~65).

Regarding Claim 15,

Sampath taught the communications module reads a distinctive characteristic of at least one element of the equipment and transmits the at least one characteristic to one of the intermediate server and the determined one of the specialized assistance servers (Col. 4, Lines 55~62, Col. 5, Lines 39~50).

Regarding Claim 16,

Sampath taught a diagnosis system for diagnosing an equipment to be inspected, the system comprising:

a diagnosis server and a communications module associated with the equipment to be inspected, said diagnosis server and communications module being connected to each other via a communications network, the communications module being configured to transmit operating data concerning the equipment to be inspected to the diagnosis server, and the diagnosis server being configured to make a diagnosis based on the transmitted operating data concerning the equipment to be inspected (Col. 5, Lines 51~60, Col. 6, Lines 58~65);

wherein said diagnosis server comprises:

a plurality of specialized assistance servers each specifically configured to perform diagnosis on a different equipment of a predefined collection of equipment and to make diagnoses (Col. 5, Lines 51~60, Col. 6, Lines 58~65); and

an intermediate server configured to determine which one from among the plurality of specialized assistance servers is the one appropriate for diagnosing the equipment to be inspected and configured to place the communications module into communication with the determined one of the specialized assistance servers to cause

the making of a diagnosis relating to the equipment to be inspected (Col. 5, Lines 51~60, Col. 6, Lines 58~65).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sampath et al (U.S 6,892,317) in view of Karlsson et al. hereinafter Karlsson (U.S 6,424,860).

Regarding Claim 19,

Sampath taught substantially all the limitations of claim 16, however failed to specifically teach when the equipment to be inspected is an emergency vehicle, the intermediate server is configured to direct the emergency vehicle to an emergency center associated with the determined one of the specialized assistance servers appropriate for the equipment to be inspected; and

wherein, for an emergency vehicle including at least one medical appliance for monitoring a patient and connected to the communications module, the communications module is configured to collect operating data supplied by the medical monitoring appliance and corresponding to vital data concerning the patient, and is configured to transmit said vital data to said determined one of the specialized assistance servers, and said determined of one the specialized assistance servers server is configured to remotely monitor a state of the patient.

Karlsson taught a portable telemedicine device used for communicating with a central unit(s) via the telecommunication network. The device is equipped with a connecting interface for allowing convenient docking onboard an ambulance. The central units (similar to the intermediate server) are data-processing devices capable of receiving information data and presenting it in real time, and also capable of emitting information data to portable units (similar to servers). The central unit could be positioned in the closest large hospital where the received information data could be examined by specialist physicians (by using the portable devices) and thus, allowing correct decisions be taken with respect to the treatment (Col. 17, Lines 43~53, Col. 19, Lines 8~13, 20~34).

Therefore, it would have been obvious for one with ordinary skill in the art at the time of the invention was made to combine, in Sampath's invention, Karlsson's portable telemedicine device to allow a medical monitoring appliance and corresponding vital data concerning the patient, to transmit the vital data to the determined specialized assistance servers configured to remotely monitor a state of the patient. The

combination would allow physicians using the vital data gathered by the telemedicine device transmitted to the central unit at the hospital, to correctly diagnose and provide effective treatments (thus, saving lives) to patients.

Claims 14 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sampath et al (U.S 6,892,317) in view of Garland et al. hereinafter Garland (U.S 5,812,656).

Regarding Claim 14,

Sampath taught substantially all the limitations of claim 1, however failed to specifically teach the communications module makes a priority connection to a "black box" server and transmits to the "black box" server data relating to the equipment to be inspected.

However, Garland taught a connection having a predetermined priority such that a "busy-low priority" connection is disconnected if an incoming call to one of the CPEs is made that has a higher priority than the predetermined priority (abstract, Col. 5, Lines 3~13). Furthermore, the CPE consists of a terminal or equipment connected to the calling unit facilitated to monitor the equipment in real-time (Col. 3, Lines 31~62).

Therefore, it would have been obvious for one with ordinary skill in the art at the time of the invention was made to combine, in Sampath's invention, Garland's switching system (communication module) to determine different types of connections incoming from the equipment and allow prioritization of those connections. The combination would allow the remote server to utilize all its resources to diagnose an emergency

event by utilizing the database ("black box") for any known past issues and/or determine the specialized services that will best fix the equipment in the quickest time.

Regarding Claim 28,

Sampath taught a communications module for diagnosing equipment to be inspected, the module comprising:

collector means configured to read operating data relating to the equipment to be inspected (Col. 5, Lines 39~50); and

means for forwarding the operating data to a remote server which is configured to perform diagnosis on different equipment of a predefined collection of equipment based on the forwarded operating data (Col. 5, Lines 39~50).

Sampath did not specifically teach means for detecting an emergency event relating to the equipment to be inspected and then, on detecting such an emergency event, for making a priority connection with a "black box" server and transmitting thereto a stream of data conveying data relating to the equipment to be inspected.

However, Garland taught a connection having a predetermined priority such that a "busy-low priority" connection is disconnected if an incoming call to one of the CPEs is made that has a higher priority than the predetermined priority (abstract, Col. 5, Lines 3~13). Furthermore, the CPE consists of a terminal or equipment connected to the calling unit facilitated to monitor the equipment in real-time (Col. 3, Lines 31~62).

Therefore, it would have been obvious for one with ordinary skill in the art at the time of the invention was made to combine, in Sampath's invention, Garland's switching

system (communication module) to determine different types of connections incoming from the equipment and allow prioritization of those connections.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hee Soo Kim whose telephone number is (571) 270-3229. The examiner can normally be reached on Monday - Thursday 8:00AM - 5:30PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HSK
12/20/07